

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NO. 04-CR-10194-RCL

UNITED STATES

v.

DAVID JORDAN,
Defendant

DEFENDANT'S MOTION TO UNSEAL PORTION OF TRANSCRIPT

The defendant David Jordan moves that the Court unseal a portion of the April 12, 2006 transcript so that it can be reviewed for purposes of appeal. In support of this motion, the defendant states:

1. During the jury deliberations, Judge Saris substituted for Judge Lindsay on April 12, 2006. According to the transcript, someone approached a juror as the juror entered the courthouse. Ex. A, p. 1. (The unsealed portion of the transcript is attached as Exhibit A.) The Court decided to interview the juror. The Court directed that the interview of the juror be conducted in the presence of counsel, but that the transcript of the interview be sealed. Ex. A, p. 7.

2. Defense counsel understands from discussions with government counsel that the government has no objection to unsealing the sealed portion of the April 12, 2006 transcript. Undersigned counsel was not involved in the trial, and needs to review the sealed portion of the transcript to assess whether there is appellate issue.

Respectfully submitted
The defendant David Jordan
By his attorney

/s/ Charles W. Rankin

Charles W. Rankin
BBO No. 411780
Rankin & Sultan
151 Merrimac St.
Boston, MA 02114-4717
(617) 720-0011

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non participants on January 15, 2007.

/s/ Charles W. Rankin

Charles W. Rankin